

RESOLUTION NO. 203018

JUN 24 1971

RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA, AUTHORIZING THE
ISSUANCE OF AND THE ADVERTISING FOR BIDS
FOR THE PURCHASE OF TAX ANTICIPATION
NOTES IN THE AGGREGATE AMOUNT OF FIVE
MILLION SIX HUNDRED NINETY THOUSAND
DOLLARS (\$5,690,000).

WHEREAS, funds are needed to meet the cash requirements of The City of San Diego for the fiscal year 1971-72 including but not limited to the payment of current expenses, capital expenditures and the discharge of any obligations or indebtedness; and

WHEREAS, Section 92 of the Charter of The City of San Diego permits the issuance of notes for the purpose of borrowing money in anticipation of the collection of taxes in any fiscal year (herein sometimes called "Notes"); and

WHEREAS, The City of San Diego contemplates the issuance of Notes in the aggregate amount of Five Million Six Hundred Ninety Thousand Dollars (\$5,690,000) on July 20, 1971, to be paid on May 5, 1972; and

WHEREAS, the issuance of Notes should be accomplished by inviting competitive bids; and

WHEREAS, the successful bidder should be furnished, at the expense of City, a legal opinion regarding the validity of the Notes; and

WHEREAS, the law firm of O'Melveny & Myers has indicated its willingness to review the record of the proceedings and render its opinion regarding the validity of the Notes by a

letter dated May 27, 1971, a copy of which is on file
in the office of the City Clerk as Document No. 736334 ;

NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego,
as follows:

1. This Council finds and determines that it is necessary
for the City to issue Tax Anticipation Notes in the aggregate
amount of Five Million Six Hundred Ninety Thousand Dollars
(\$5,690,000) in order to meet the cash requirements of the City
during the fiscal year 1971-72, which Notes will be issued in
anticipation of the collection of taxes during the fiscal year
1971-72.

2. The City Clerk is hereby directed to advertise inviting
bids for the purchase of Tax Anticipation Notes in the aggregate
amount of Five Million Six Hundred Ninety Thousand Dollars
(\$5,690,000) to be repaid on May 5, 1972.

3. The Notice Inviting Bids shall be published once at
least five (5) days prior to the opening of the bids. Bids shall
be opened on July 13, 1971, and the award made the same day.

4. A legal opinion as to the validity of the Notes shall
be secured at the expense of City from the law firm of O'Melveny
& Myers and shall be furnished to the successful bidder for the
purchase of the Notes. For rendering its opinion, O'Melveny &
Myers shall receive the sum of Six Hundred Dollars (\$600). A
legal opinion as to the validity of the Notes shall also be
rendered by the City Attorney and shall be furnished to the
successful bidder.

5. The Notice Inviting Bids shall be substantially in the form of Exhibit "A" attached hereto and incorporated herein.

6. Bids shall be submitted substantially in the form of Exhibit "B" attached hereto and incorporated herein.

7. The Resolution of Award shall be substantially in the form of Exhibit "C" attached hereto and incorporated herein.

8. The Notes to be issued by the City shall be substantially in the form of Exhibit "D" attached hereto and incorporated herein; and they shall be manually signed by the Mayor and the City Treasurer and countersigned by the City Clerk.

9. The Treasurer's Receipt for the money received shall be substantially in the form of Exhibit "E" attached hereto and incorporated herein.

10. The Notes shall be dated as of July 20, 1971 and shall be in the denomination of Five Hundred Thousand Dollars (\$500,000) each, or any multiple thereof, and one note in the denomination of One Hundred Ninety Thousand Dollars (\$190,000) at the option of the successful bidder, and shall be paid by City on May 5, 1972. They shall bear interest at a rate not to exceed five percent (5%) per annum from July 20, 1971 to and including May 5, 1972.

11. Both the principal of and the interest on the Notes shall be payable by City in lawful money of the United States of America at the office of the City Treasurer, City Administration Building, Community Concourse, San Diego, California.

12. The Notes shall be payable by City from taxes to be received during the fiscal year 1971-72 during which the Notes are to be issued; provided, however, the principal of the Notes and any interest thereon may be paid from any other monies of the City lawfully available.

APPROVED: JOHN W. WITT, City Attorney

By 
Peter D. Bulens, Deputy

REVISED
6/23/71
PDB:clh

NOTICE INVITING BIDS FOR THE PURCHASE OF
TAX ANTICIPATION NOTES TO BE ISSUED BY THE
CITY OF SAN DIEGO IN THE AGGREGATE SUM OF
FIVE MILLION SIX HUNDRED NINETY THOUSAND
DOLLARS (\$5,690,000).

NOTICE IS HEREBY GIVEN by The City of San Diego that pursuant to Resolution No. _____ of said City sealed bids shall be received in the office of the City Clerk on the 12th Floor, City Administration Building, Community Concourse, San Diego, California, until 10:00 a.m. Pacific Daylight Saving Time, on July 13, 1971, at which time the bids will be removed to the Council Chamber to be publicly opened and an award made for the issuance of Tax Anticipation Notes in the aggregate amount of Five Million Six Hundred Ninety Thousand Dollars (\$5,690,000). Each bid is subject to acceptance until the conclusion of Council business on July 13, 1971. Each Note shall be in the principal amount of Five Hundred Thousand Dollars (\$500,000), or any multiple thereof, and one Note in the denomination of One Hundred Ninety Thousand Dollars (\$190,000), at the option of the successful bidder, and numbered one (1) to eleven (11), or as appropriate. The form of the Notes is attached as Exhibit "D" to Resolution No. _____. The Notes are to be issued in anticipation of the collection of taxes and shall be repaid out of such taxes to be received during the fiscal year 1971-72 and shall be paid on May 5, 1972.

Bidders must offer to purchase all of the Notes, and bids including premium or discount will be considered. The Notes will bear interest at a rate not to exceed five percent (5%)

EXHIBIT "A"

per annum, from July 20, 1971 to and including May 5, 1972, computed on the basis of a 360-day year. The award of the Notes shall be made to the bidder who bids the lowest net interest cost to the City after considering premium or discount bid. The resolution of the Council of The City of San Diego making the award shall be substantially in the form of Exhibit "E" attached to Resolution No. _____.

All bids shall be submitted on forms to be obtained from the office of the Treasurer of The City of San Diego.

Each bid shall be accompanied by a certified or cashier's check payable to the order of The City of San Diego and drawn on a responsible bank or trust company in the amount of Fifty Thousand Dollars (\$50,000) as a guarantee that the bidder will accept the Notes in the form attached as Exhibit "D" to Resolution No. _____. The check of the successful bidder shall immediately be applied toward the total Five Million Six Hundred Ninety Thousand Dollars (\$5,690,000). If such bid is accepted but the successful bidder for any reason fails or refuses to perform, unless such failure or refusal shall be caused by an act or omission of the City, the guarantee shall be retained by the City. The remaining purchase price shall be paid to the City in the office of the City Treasurer not later than 10:00 a.m. Pacific Daylight Saving Time, July 20, 1971.

The City Treasurer shall return all bid checks other than that of the best bidder as soon after the bid opening as is practical.

The City reserves the right to waive any infirmities in any bid and at any stage in these proceedings to reject all bids and return all deposits accompanying the bids and at its sole option to abandon all proceedings or to readvertise in a like manner.

The successful bidder shall be furnished, at the expense of City, a legal opinion to be issued by the firm of O'Melveny & Myers and a legal opinion to be issued by the City Attorney, approving the validity of the Notes.

Dated at San Diego, California, this _____ day of June, 1971.

THE CITY OF SAN DIEGO

By _____
City Clerk

BID
FOR THE PURCHASE OF
CITY OF SAN DIEGO TAX ANTICIPATION NOTES

July 13, 1971

City Clerk
Twelfth Floor
City Administration Building
San Diego, California

In behalf of _____

and pursuant to a notice inviting bids, we offer to purchase
Five Million Six Hundred Ninety Thousand Dollars (\$5,690,000)
principal amount, all or none, of the _____% Notes
designated as City of San Diego Tax Anticipation Notes of
July 20, 1971, particularly described in the Notice and to
pay _____% of the par value of such Notes on the date
of delivery.

We desire the Notes to be numbered and to be of the
denomination as follows:

EXHIBIT "B"

Number

Denomination

Net Interest Cost

This proposal is made subject to all of the terms and conditions published in the Notice Inviting Bids which by this reference is incorporated herein.

This proposal is subject to acceptance until the conclusion of Council business on July 13, 1971, as specified in the Notice Inviting Bids.

There is enclosed herewith a certified or cashier's check for Fifty Thousand Dollars (\$50,000) payable to the order of The City of San Diego.

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, AWARDING THE AGGREGATE AMOUNT OF FIVE MILLION SIX HUNDRED NINETY THOUSAND DOLLARS (\$5,690,000) IN TAX ANTICIPATION NOTES TO THE BEST BIDDER AND REJECTING ALL OTHER BIDS.

WHEREAS, at the time and place fixed for the opening of bids for the purchase of the aggregate amount of Five Million Six Hundred Ninety Thousand Dollars (\$5,690,000) Tax Anticipation Notes of The City of San Diego, California, pursuant to notice inviting the bids, all bids were publicly opened, examined and read, and tabulation thereof has been entered in the minutes; and

WHEREAS, the bid of the bidder hereinafter named is the best bid made by a responsible bidder for the Notes; NOW, THEREFORE,

The City Council of The City of San Diego does hereby RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. The bid of _____
_____ offering _____% of par and a net interest cost of \$_____ is hereby accepted and the Notes are hereby awarded to the best bidder in accordance with the notice inviting bids and Resolution No. _____.

2. All bids other than the one accepted herein are rejected and the checks accompanying them shall be returned to the respective unsuccessful bidders by the City Treasurer.

3. The interest on the Notes is hereby fixed at _____ (_____%) per annum.

EXHIBIT "C"

4. The City Treasurer is hereby directed to deliver the Notes to the successful bidder on receipt of _____ (\$ _____).

5. The total appropriations of the General Fund of City for the fiscal year 1971-72 are \$ _____ The amount of the Notes hereby authorized to be issued does not exceed twenty-five percent (25%) of the total appropriations of The City of San Diego for the fiscal year 1971-72. The City of San Diego has no other tax anticipation notes outstanding issued under Section 92 of the Charter or otherwise.

6. The City Clerk is hereby authorized and directed to publish this resolution once at least ten days after its adoption in the City Official Newspaper, a newspaper of general circulation published in said City.

APPROVED: JOHN W. WITT, City Attorney

By _____
Peter D. Bulens, Deputy

THE CITY OF SAN DIEGO
TAX ANTICIPATION NOTE

NO. _____

FOR VALUE RECEIVED, The City of San Diego, California,
a municipal corporation, promises to pay to _____

the sum of _____

Dollars (\$ _____) with interest of _____

Dollars (\$ _____). Both principal and interest
are payable on May 5, 1972 in lawful money of the United States
of America at the office of the City Treasurer, San Diego,
California.

The principal of and the interest on this Note are
payable from taxes to be received during the fiscal year
1971-72, during which this Note is issued. This Note is a
general obligation of the City and, to the extent not paid
from such taxes, shall be paid with interest from any other
monies of the City lawfully available.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all
acts, conditions and things required by law to exist, happen
and be performed precedent to and in the issuance of this
Note, have existed, happened and been performed in due
time, form and manner as required by law, and that the
amount of this Note, together with all other indebtedness
of the City, does not exceed any debt limit prescribed by
the Charter of said City or by the laws or Constitution of
the State of California.

EXHIBIT "D"

IN WITNESS WHEREOF, said City of San Diego has caused this Note to be signed by the Mayor and the City Treasurer of said City and countersigned by the City Clerk of said City and sealed with the corporate seal of said City, and has caused this Note to be dated the 20th day of July 1971.

COUNTERSIGNED:

Mayor of The City of
San Diego

City Clerk of The City of
San Diego

City Treasurer of The City
of San Diego

APPROVED AS TO FORM BY: JOHN W. WITT, City Attorney

By _____
Peter D. Bulens, Deputy

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EXHIBIT "D"

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO) ss.
)
CITY OF SAN DIEGO)

TREASURER'S RECEIPT

The undersigned hereby certifies as follows:

That I am the duly selected, qualified and acting City Treasurer of The City of San Diego on the date of this receipt.

That pursuant to provisions of Resolution No. _____ of the City Council of The City of San Diego, City Council of said City authorized the issuance of _____ Tax Anticipation Notes in the aggregate amount of Five Million Six Hundred Ninety Thousand Dollars (\$5,690,000).

That I have this day delivered the Notes to _____

the numbers and amounts of which are as follows:

That upon delivery of the same I received the sum of
(\$ _____).

Dated: July 20, 1971.

City Treasurer of The City of
San Diego

EXHIBIT "E"

88

JUN 24 1971

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN

Mayor of The City of San Diego, California.

~~EDWARD NIELSEN~~

~~JOHN LOCKWOOD~~

City Clerk of The City of San Diego, California .

(Seal)

By Elfa Z. Hamel Deputy. *ec*

RECEIVED
CITY CLERK'S OFFICE
1971 JUN 24 AM 8:29
SAN DIEGO, CALIFORNIA

Office of the City Clerk, San Diego, California		
Resolution Number	203018	Adopted JUN 24 1971